

MINUTES
MICHIGAN STATE TRANSPORTATION COMMISSION MEETING
June 28, 2001
Lansing, Michigan

Meeting noticed in accordance with Open Meetings Act, Public Act 267 of 1976.

Present: Barton LaBelle, Chairman
 Jack Gingrass, Vice Chairman
 Betty Jean Awrey, Commissioner
 Ted Wahby, Commissioner
 Lowell Jackson, Commissioner
 John Garside, Commissioner

 Charles Krupka, Commission Advisor
 Jerry Jones, Commission Auditor
 Vickie Plummer, Executive Secretary
 Susan Keldsen, Office of Commission Audit
 Pat Isom, Assistant Attorney General
 Greg Rosine, Director
 Barb Hayes, Chief Administrative Officer
 Tom Maki, Chief Operations Officer
 Philip Kazmierski, Bureau of Urban and Public Transportation
 Wayne Niles, Bureau of Finance and Administration
 Gary D. Taylor, Bureau of Highway Technical Services
 Louis Lambert, Bureau of Transportation Planning
 Douglas Novak, Office of Governmental Affairs

A list of those people who attended the meeting is attached to the official minutes.

Chairman LaBelle called the meeting to order at 9:10 a.m. in the Bureau of Aeronautics Auditorium, Lansing, Michigan.

COMMISSION BUSINESS

Commission Minutes

It was moved by Commissioner Jackson, with support from Vice Chairman Gingrass, to approve the minutes of May 24, 2001, as submitted. The motion carried on a unanimous voice vote.

MDOT Update on I-275

Chairman LaBelle provided some background information on the I-275 noise issue. He noted that the State Transportation Commission and Michigan Department of Transportation (MDOT) (Department) staff have spent many hours on this issue, as a high priority, attempting to gather all available data which is necessary to make a reasonably good decision that will benefit both residents that live near I-275 and the taxpayers of Michigan.

At the time of original construction of I-275 the recommended type of construction was to last 30 years, but did not. Before reconstruction of I-275, the Department asked for input from local communities and the City of Farmington Hills chose a consultant to make a recommendation on the type of construction to be used on this section of roadway, taking noise into consideration. MDOT and the City of Farmington Hills paid for the study, and MDOT followed the recommendations of that study. It turned out that the roadway seems noisier than it was anticipated it should be. For these reasons it is important to collect data and information prior to making further recommendations on this section of roadway. In the attempt to collect data, it has been found that there is not an extensive data base on noise mitigation from any state.

Separate from the I-275 issue, the Commission is now in the process of promulgating a general noise policy for the State of Michigan with two issues being discussed; mitigation of noise on existing roadways, and mitigating noise during the design phase for new construction or rehabilitation of roadways.

Greg Rosine, MDOT Director, explained that the Department has found that most states have not had to address the issue of noise mitigation and there is not a lot of information available on mitigating sound with different types of materials or techniques. A study was done to make a comparison between I-696 and I-275 because it was noted that I-696 may be quieter than I-275, but there were too many variables between the two roadways to make a good comparison. The Department also studied noise within the specific length of five miles along I-275 to investigate if there were any significant variations of noise that could be attributable to the tining or depth of tining applied. There were some variations along the roadway, but they were within the contract specifications and not significant, so the noise cannot be attributed to the way the roadway was tined. In some states longitudinal tining is used to reduce road noise and in other states diamond grinding is being used to reduce noise levels.

The Director reiterated some of the specific circumstances of the I-275 project and the noise issues. It is the recommendation of the Department to diamond grind the five-mile section of I-275, where the transverse random skewed tining was applied, in order to get the road back, as close as possible, to what the original condition of the roadway would have been, with longitudinal tining on the roadway.

In response to questions from the Commissioners, Director Rosine indicated that diamond grinding this section of roadway could be done under the existing contract for reconstruction of I-275 as the contract is still open; and because some diamond grinding has already been done by the contractor, it may be possible that additional diamond grinding could be done within the scope of the existing warranty. It is also possible that this project could be done as night work and completed within the current construction season. The Director pointed out that diamond grinding is the most cost-effective method to get this roadway back to the condition that MDOT originally intended it to be when they began the reconstruction process.

Lou Lambert, Deputy Director, Bureau of Transportation Planning, reported that average daily traffic counts for this section of I-275 range from 168,000 vehicles on the north end to 185,000 on the south end, with about 12 percent being commercial traffic. Truck traffic is very heavy in the off-peak periods, but there has basically been no growth in traffic over the past two years on this section of roadway.

There was some discussion on possibly reducing the speed limit on this roadway. The Director indicated he would pursue discussions with the State Police on this issue, but suggested there may be possible congestion or safety issues with traffic flow if the speed limit was reduced.

It was moved by Commissioner Wahby, with support from Commissioner Jackson, to accept the Department's recommendation to diamond grind the reconstructed section of roadway on I-275.

Representative John Stewart thanked the Commission for their motion to diamond grind I-275 from Five Mile Road to Ten Mile Road, and asked the Commission to now turn this issue back to the Department's engineers to continue with the process.

Representative Laura Toy thanked the Commission for the opportunity to discuss this issue, and noted her belief that the Commission and the Department have acknowledged there is a problem and have been working toward a solution. The Representative knows that there is no landmark solution, but believes diamond grinding will work to help reduce noise levels.

Larry Shoup, a Northville resident, thanked MDOT and the Commission for spending an extensive amount time and effort to reduce I-275 road noise. He voiced his understanding that diamond grinding a surface would only reduce noise levels by three decibels and expressed concern that this reduction would not make a significant difference. Charlie Krupka, Commission Advisor, reported that in similar situations in Minnesota and Colorado they have experienced a reduction of four to six decibels. Mr. Shoup was also assured

that noise measurements would be taken before and after the diamond grinding process.

Mike Nolta, a Livonia resident, would like to have seen asphalt used on this project as part of the solution and stated his belief that the noise problem is a tire/pavement issue. He would like to see the noise level on I-275 be reduced to 67 decibels and asks that this group receive special attention.

Denny Snyder, a Livonia resident, expressed concern that diamond grinding may only reduce noise levels by three decibels which may not be a noticeable change. He also noted that he would like to see asphalt used on this section of roadway in combination with a sound wall to reduce noise levels.

Jon Churgay, a Northville resident, thanked the Commission for their motion and asked for clarification on what would be done if there was not a decrease in the noise level. Chairman LaBelle responded that the motion was to accept the Department's recommendations, make an analysis of the recommendation, and then address the issue again.

Nancy Bates, Mayor of Farmington Hills, thanked the Commission for their time and consideration on this issue. Mayor Bates suggested that I-275 be used as a test model for sound issues in the future and expressed hope that the recommendation today will not be considered closure of the issue.

Tom Biassell, Director of Public Services in Farmington Hills, noted that his office was responsible for having the Parsons-Brinkerhoff study done which recommended that random skewed tining, along with a specific design to do the random tining, be used on the I-275 reconstruction project to minimize the whine. Mr. Biassell recommended that, prior to diamond grinding, the Department review the tining to make sure this recommended design was followed, as they have found that the whine may be worse if the design is not done properly. He agreed with the Commission's decision to take this situation one step at a time.

It was noted by Chairman LaBelle that one component of a policy on sound mitigation will require local communities to have zoning in effect that will prevent residential development from taking place along freeways. This is the best way to prevent a conflict in road noise and residential living.

Sandra Carroll, a Livonia resident, expressed her concern that diamond grinding this section of roadway will not provide enough sound relief to benefit the residents in the area.

A video tape was provided of Mayor Kirksey, City of Livonia, but was unable to be shown due to equipment failure.

Recess

Chairman LaBelle recessed the meeting at 10:40 a.m. and reconvened the meeting at 11:00 a.m.

MDOT Update on I-275

Michelle Hill, a Livonia resident, expressed disappointment that more has not been done to alleviate the noise problem on I-275.

Jim Crowley, a Livonia resident, expressed concern that concrete was placed on I-275 because the roadway seemed quieter when the temporary asphalt cap was first placed.

Representative Andrew Raczkowski recommended that the Commission's motion include an analysis of the diamond grinding, looking at other options if necessary, stating expectations of the diamond grinding, and setting a time line for the process. He also suggested that the Legislature could review the speed limit issue if necessary, and that enhancement grants may be a possibility for this area.

Commissioner Wahby affirmed the motion stands as previously stated, but recommended that if Director Rosine has any changes or further recommendations based on the conversations today, he bring further recommendations back to the Commission.

Director Rosine stated the Department is committed to determine the effectiveness of the proposed work.

Commissioner Jackson agreed with Commissioner Wahby's restated motion and urged the residents to accept the actions by the Department, and to understand that diamond grinding this section of roadway is the right way to go, both fiscally and from an engineering standpoint. The Commissioner also stated that a diamond-ground road is smoother than a new asphalt pavement. With the noted reduction by the other states of four-six decibels on a diamond-ground roadway, it would be worth the effort to do this on I-275 because it can be done this construction season and within the scope of the current contract. As a point of clarification, he noted that speed limits are set by a joint declaration between the Department's of State Police and Transportation, which may be an appropriate next step, if even possible to do. A bituminous surface does not guarantee a 67 dBa level, and a noise wall will not help people living more than four blocks from the wall. He reminded the

residents that this location would be in competition with approximately 300 other sites in which sound walls have been requested.

Commissioner Awrey reiterated that the Commission and MDOT have worked hard on this issue to find a solution, and reminded this group that their area is only one of many who have sound issues. Other areas around the State have been waiting for noise walls for 10-20 years.

Chairman LaBelle called for a vote on the original motion. The motion carried on a unanimous voice vote.

Recess

Chairman LaBelle recessed the meeting at 11:23 a.m. and reconvened the meeting at 11:35 a.m.

APPEALS

Bailey Excavating, Inc.

Wayne Niles, Deputy Director, Bureau of Finance and Administration, explained that Bailey Excavating, Inc., submitted a bid and was not prequalified in the required asphalt classification. Because no prequalified subcontractor for this classification was identified, the rejection of their bid was mandatory.

Pat Isom, Assistant Attorney General for Transportation, confirmed the rejection of this bid was mandatory, with no unusual circumstances.

Charles Williams, Vice President of Bailey Excavating, Inc., was present today to ask that the Commission overturn the Department's rejection and accept their bid. He explained they did fail to list Thompson-McCully as a subcontractor on their bid, but Bailey Excavating never intended to supply the asphalt for this project. They used Thompson-McCully as their subcontractor in the past and the omission on this bid was a mistake. Mr. Williams discussed a situation in which another contractor had made a similar error and was still awarded a contract. Mr. Niles explained the previous error Mr. Williams referred to was regarding a question on price extensions, and not reason for a mandatory bid rejection.

In order to maintain the integrity of the bidding process, it was moved by Commissioner Wahby, with support from Commissioner Awrey, to uphold the Department's

decision to reject the bid appeal by Bailey Excavating, Inc. The motion carried on a unanimous voice vote.

OVERSIGHT

Commission/State Administrative Board Contracts and Agreements (Exhibits A, A-1, A-2)

It was moved by Commissioner Wahby, with support from Commissioner Garside, to grant approval to the Department to proceed with the contract process. The motion carried on a unanimous voice vote.

Contract Adjustments

Gary Taylor, Chief Engineer/Deputy Director, Bureau of Highway Technical Services, reported on the contract extras and overruns, Exhibit B.

It was moved by Commissioner Jackson, with support from Commissioner Awrey, to approve the contract adjustments. The motion carried on a unanimous voice vote.

Proposed Administrative Procedure Change on Retainage (Exhibit C)

Wayne Niles explained that the current retainage held for MDOT construction and maintenance contracts is 2.5 percent of the earned amount, which may be reduced to 2 percent at 90-percent completion of the contract, and then reduced to a lump sum at completion of the work. MDOT recommends that retainage be changed to 2 percent of each contract until the work is completed, and then be reduced to a lump sum, resulting in a reduction of paperwork. With the Commission's approval a resolution will be submitted to the State Administrative Board for approval.

Mike Nystrom, Association of Underground Contractors, and Ron Breinke, Michigan Road Builders Association, expressed full support of this proposed change.

It was moved by Commissioner Wahby, with support from Commissioner Jackson, to approve the proposed amendment. The motion carried on a unanimous voice vote.

Build Michigan II Bond/Notes Resolution (Exhibit D)

Wayne Niles submitted finishing documents and the final parameters under which "Short Term Grant Anticipation Notes" will be issued. Approval by the Commission will allow the Department to sell the notes during the month of July, and delegates to the Director and

the Commission Chairman the authority to finalize the sale of the notes if the terms are within the parameters of the resolution.

Chet Lewis, Attorney General's Office, reported these notes have an actual term of ten years, are multi-load bonds, and interest is reset on a weekly basis. Director Rosine noted the short-term bonds are a result of the acceleration of Build Michigan III program funds.

It was moved by Commissioner Wahby, with support from Commissioner Awrey, to approve the resolution authorizing the issuance and sale of State of Michigan grant anticipation notes. The motion carried on a unanimous roll-call vote.

PRESENTATIONS

State Long-Range Planning Update

Terry Gotts, Bureau of Transportation Planning, provided background information on the State Long-Range Transportation Plan developed in 1995. Although the original plan was approved by the Commission, the update to be presented today does not require Commission or federal approval. Original goals included transportation services coordination, land use coordination, basic mobility issues, preservation of transportation systems, intermodalism, and environment and aesthetics issues. Since the original plan was developed, federal-aid highway and transit legislation (TEA-21) changed 23 planning factors and now includes a goal for land-use coordination. Action has been taken on 95 percent of the 1995 State Long Range Transportation Plan points. Since then there has been an increase in revenues for roads, transit and airports; preservation is now the highest priority; asset management strategies are now in place; MDOT has a five-year road and bridge program; and there is now more coordination between jurisdictions.

Marsha Small, Statewide Planning Division, provided information on the 2001 State Long Range Plan revision. The new plan used the 1995 plan as a starting point and had similar public involvement with assistance in developing the plan. Emphasis in the new plan includes providing the framework to identify and set long-range priorities, builds on MDOT's five-year plan, is based on the transportation management system, encourages an intermodal approach, is customer driven, and is coordinated with modal and metropolitan planning organization plans. The 2001 goals are the same as 1995, with two additional goals being strengthening the state's economy and safety. Information was also provided on the Michigan airport system plan and the transit strategic goals. Once the 2001 draft is completed and reviewed internally, statewide public meetings will be held and the document will be revised and reviewed internally prior to the final document being published.

Chairman LaBelle complimented Terry and Marsha on their presentation. The Chairman noted that he would like to see more emphasis put on efficiency and effectiveness as a strategic goal for transit, rather than just adequate funding, as the Commission has been striving toward these goals for transit for some time.

ADJOURNMENT

Chairman LaBelle adjourned the meeting at 12:45 p.m.

Commission Advisor

MINUTES
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A list of those people who attended the meeting is attached to the official minutes.

Chairman LaBelle called the meeting to order at 1:10 p.m. in the Bureau of Aeronautics Auditorium, Lansing, Michigan. The purpose of the workshop today is to informally discuss a policy on noise abatement.

Greg Rosine, Director, Michigan Department of Transportation (MDOT), distributed a brochure received from the Federal Highway Administration (FHWA) regarding highway traffic noise barriers. The Director also commented that a new policy is being developed to address voluntary noise mitigation. The new policy will include term definitions, background information, and sections on noise prevention, noise abatement feasibility, and the role of local units of government in providing noise relief.

Charles Krupka, Commission Advisor, stated that he has been working with Department staff to develop a draft policy, and has researched how several other states address

noise issues. He found that most states do not have a comprehensive policy such as the one currently being developed for Michigan. California is currently analyzing different surfaces for wear, sound, and friction over a three-year period and, when data is available, they will establish a comprehensive sound policy.

There was discussion on the responsibility of local units of government for zoning and development of properties next to highways. Commissioner Wahby expressed concern for those communities who were already in place prior to highways being built, and how the new policy would affect them.

Chairman LaBelle commented this policy will have to address mitigation of noise after a roadway is built, the prioritization of requested projects, and how to address funding for these projects.

It was also discussed that a section of the policy address building new freeways and the rehabilitation of freeways where properties are currently undeveloped. The Director noted the issue of new freeways is not addressed in the voluntary noise mitigation program policy as there are already federal guidelines on this type of development, Type I noise barriers.

There was a discussion that zoning issues be addressed within the policy, including zoning of areas that are developed after a roadway has been constructed, rezoning of properties, and specific zoning requirements. Commission Jackson suggested that the word "adjacent" be defined within the document.

It was suggested that when criteria are finally developed, locations that have already put in requests for sound walls be reevaluated to see if they meet the criteria. Prior to any final decisions on what criteria to use, sample criteria should be developed and tested.

Commissioner Awrey questioned if, prior to reevaluation and review of current requests for sound walls, it is necessary to have public hearings to notify communities of the changes in criteria. It was noted this would not be necessary.

There was clarification that the policy being discussed today is for the voluntary noise abatement program. The mandatory program should stay unchanged, using federal guidelines. A discussion followed on the qualifications for federal funding for the mandatory program.

Discussion took place on how to categorize the current requests on file for noise abatement. It was suggested that it may not be reasonable to use federal guidelines for the voluntary program and that several models be developed, using different variables, to categorize the current requests. And, in summary, a draft policy should include some

discussion on when noise should be considered a factor in new development or reconstruction of current roadways.

The Director noted that legislation has been introduced that would require side-by-side noise studies be done with asphalt, concrete and other materials. Secondly, legislation has also been introduced to include, in the life cycle cost process for determining between asphalt and concrete, an element for noise. It would be beneficial for the Commission to develop a policy, rather than the Legislature address this issue.

Concerns were expressed regarding the perception of noise. When a roadway is in poor condition traffic may be traveling at slower speeds, and once the roadway is closed for reconstruction there is no traffic. Then when the roadway is reopened to traffic, noise may be perceived as louder than previously. Another concern expressed is that communities that do not have funding not be precluded by specific criteria.

When developing the matrix, it was requested by Commissioner Jackson that a sensitivity analysis be done by using several decibel levels in the matrix to illustrate how current requests for noise abatement would be affected.

The Commission directed the Department to provide requested information, including a matrix of criteria, at their September 27, 2001, Transportation Commission Meeting.

ADJOURNMENT

Chairman LaBelle adjourned the workshop meeting at 2:10 p.m.

Commission Advisor